IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.328 OF 2007

Shamrao Kedari Khade ..Appellant.
Vs.
Dinkar Kedari Khade & Ors. ..Respondents.

Mr.P.D.Dalvi, adv. for the Appellant.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 17, 2007.

P.C.:

1. Heard Mr.Dalvi the learned counsel for the appellant, who is original plaintiff. He filed a regular civil suit no.641 of 1973 for partition of joint family property against the defendant no.1 and other members of the joint family. That suit was decreed as per the Compromise between the parties, which took place on 6-10-1976. The plaintiff filed regular civil suit no.652 of 1998 seeking declaration that the decree passed in earlier suit no.641 of 1973 is not binding on him as his signature was obtained on the Compromise Petition by playing fraud on him. Suit was contested by the defendants. The learned trial Court dismissed the suit. The plaintiff also filed appeal in the district Court, which also came to be dismissed. Record reveals that the terms of the compromise petition Exhibit 37 were read over to the parties and they were accepted and after that

Compromise Petition was admitted and recorded. The plaintiff filed the suit after twentytwo years seeking declaration that it was not binding on him. Taking into consideration the facts, the circumstances and concurrent findings of the Courts below, I do not find any substantial question of law involved in the second appeal.

2. Appeal stands dismissed.

[J.H.BHATIA, J.]